United Nations S/2011/678

Security Council

Distr.: General
2 November 2011

Original: English

Report of the Secretary-General on South Sudan

I. Introduction

1. The present report is submitted pursuant to paragraph 19 of Security Council resolution 1996 (2011), dated 8 July 2011, in which the Council requested that, following consultations with the Government of South Sudan, benchmarks for the United Nations Mission in South Sudan (UNMISS) be presented to the Council within four months and that the Council be kept regularly informed of progress every four months thereafter. The report provides an assessment of the overall situation in the country and an update on the activities of UNMISS since its establishment on 9 July 2011.

II. Mission transition, start-up and planning

2. My Special Representative, Hilde Frafjord Johnson, and a small advance team arrived in South Sudan on 8 July 2011 to expedite the start-up of UNMISS on 9 July. By 31 July, more than 2,000 international and national civilian staff members, 203 United Nations military observers, 64 staff officers and 378 United Nations police had been formally transferred from the United Nations Mission in the Sudan (UNMIS) to UNMISS. While UNMISS benefited from the staff and resources affiliated with the former UNMIS, the Mission faced the challenges of starting up a new operation with new senior leadership and immediate needs in taking forward strategic and operational planning.

III. Political developments

3. On 9 July, with the expiration of the interim period under the Comprehensive Peace Agreement, South Sudan was formally declared an independent State. Thirty Heads of State, Ministers and dignitaries from around the world, including the President of the Sudan, Omer Al-Bashir, participated in the independence ceremony, held in Juba. The President of the General Assembly and I were both privileged to attend this historic event. During the ceremony, the President of South Sudan, Salva Kiir, took the oath of office, signed and promulgated the Transitional Constitution of South Sudan and declared a public amnesty for all militia groups. President Kiir also highlighted the core challenges that South Sudan will face in the areas of corruption, governance and political inclusiveness, noting that the current transitional period

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will be a critical test of how the Government will meet those challenges. Also, at the ceremony, President Al-Bashir reaffirmed his Government's recognition of South Sudan and pledged to work closely with President Kiir to resolve outstanding issues and build a strong partnership going forward.

Formation of the Government of South Sudan

4. Since 9 July, the South Sudanese political leadership has focused on forming a new Government and establishing new Government institutions. On 10 July, President Kiir issued a decree reappointing almost all incumbent Cabinet members as Caretaker Ministers. The Vice-President of the former Southern Sudan, Riek Machar, was subsequently sworn in as Vice-President of South Sudan, on 11 July. Until the new Cabinet was sworn in on 1 September, no significant policy decisions were issued and consultations with international partners, including UNMISS, could not take place.

5. On 26 August 2011, President Kiir issued decrees appointing a Government of 29 Ministers and 27 Deputy Ministers. Prior to this, President Kiir had issued decrees appointing a new Chief Justice of the Supreme Court and a new Governor of the central bank. With few exceptions, the major political stakeholders in the previous Government hold positions in the new Cabinet, although with several changes to their portfolios. While the Cabinet remains composed predominantly of members of the Sudan People's Liberation Movement (SPLM), five other political parties are also represented, reflecting broader regional and gender representation.

Legislative developments

6. On 1 August, President Kiir issued decrees appointing the 332-member National Legislative Assembly and a new entity, the 50-member Council of States. The Assembly comprises the members of the former Southern Sudan Legislative Assembly, together with 96 former members of the National Assembly of the Sudan elected from Southern constituencies and 66 new members appointed by the President, as stipulated in the Transitional Constitution. A total of 20 of the 66 new National Legislative Assembly seats and 5 Council of States seats were allocated to the opposition. These Assembly seats were distributed among five opposition political parties, with each party receiving four. Altogether, opposition parties hold approximately 10 per cent of the seats in the Assembly. Several opposition political parties objected to these appointments, arguing that they had been promised 20 per cent of the seats in the National Legislative Assembly at an April 2011 meeting of the Political Parties Leadership Forum.

7. On 8 August, President Kiir addressed the joint inaugural session of the National Legislative Assembly and the Council of States, and highlighted five priorities for the Government under the national development plan: education, health care, infrastructural development, the rule of law and the transformation of the Sudan People's Liberation Army (SPLA). He announced specific objectives for each, to be attained within 100 days of the formation of the new Cabinet. He also expressed his commitment to achieving critical legislation for transparency and accountability within 100 days.

8. The Ministry of Justice has prepared a draft political party act and a draft national electoral law. The Nationality Act, defining who is a citizen of South Sudan, has been adopted into law. With regard to these transitional political

milestones, UNMISS has provided good offices and engaged with the Government to advocate inclusive consultative processes with all stakeholders. Each draft has been presented to political parties for discussion before its submission to the Cabinet for a decision. Within one month after the enactment of the electoral law, an independent national elections commission is to be established. In accordance with the Transitional Constitution, the President is to establish a national constitutional review commission by 9 January 2012, with one year in which to conduct the review process before a national constitutional conference is convened.

Economic developments

9. In the immediate aftermath of the independence of South Sudan, both it and the Sudan issued a new currency. The Government of South Sudan introduced its new currency, the South Sudanese pound, on 18 July and stopped the circulation of the Sudanese pound on 1 September, which the parties to the Comprehensive Peace Agreement had planned to use for a transitional period of six months, extendable to nine months.

10. Between 18 July and 1 September, the Bank of South Sudan converted approximately 1.771 billion of the estimated 2.1 billion Sudanese pounds in circulation in South Sudan to South Sudanese pounds at a one-to-one rate of exchange. In addition, the Government of the Sudan issued new banknotes in early August and banned the import or use of the old Sudanese pound banknotes at the end of August. The Bank of South Sudan has announced its intention to peg the South Sudanese pound to the United States dollar by December. The areas of South Sudan bordering the North have been negatively affected by commodity shortages, contributing to inflation. The South Sudan Central Bureau of Statistics reported an inflation rate in South Sudan of 61.5 per cent.

Anti-corruption efforts

11. President Kiir has emphasized the importance of anti-corruption efforts in his national agenda, including in his Independence Day address, his 8 August opening address at the joint session of the National Legislative Assembly and the Council of States, and his 19 September statement at the sixty-sixth session of the General Assembly. His legislative programme to combat corruption is centred on five proposed acts related to public financial management and accountability, procurement, internal auditing, and petroleum and oil revenue management. He has also launched related initiatives: the investigation and prosecution of corruption cases and the publication of investigation results; the enforcement of the declaration of public officials' income and assets; the review of land sales during the transitional period; and the facilitation of the anonymous return of illegally diverted funds. He has welcomed assistance from Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Australia in the recovery of illegally diverted funds.

Location of the national capital

12. The question of the location and possible expansion of the national capital has been a long-standing source of debate, with unresolved issues concerning the land rights of communities indigenous to Juba and the right of the federal Government to use land in the surrounding areas. A subcommittee was formed in February 2011 and

tasked with proposing several viable options for the location of the capital for consideration by the Cabinet. In September 2011, the Council of Ministers issued its first major policy decision, to relocate the national administrative capital from Juba, Central Equatoria State, to Ramciel, Lakes State.

13. Ramciel, located nearly 200 km from Juba, is geographically situated in the centre of South Sudan, which could be perceived as neutral and unifying insofar as it does not give preference to any of the three major regions of South Sudan. At present, Ramciel is largely undeveloped and inaccessible, without paved roads or infrastructure. The Council of Ministers established a committee, led by the Minister of Housing and Physical Planning, to devise modalities for the relocation process and to ensure that the necessary infrastructure is in place within five years. The Ministry has been given 45 days for the development of a road map on the proposed relocation, to be submitted, together with additional information on alternative proposals, to the Office of the President.

Bilateral relations between South Sudan and the Sudan

14. Continued lack of progress on outstanding Comprehensive Peace Agreement and post-independence negotiations, in particular on financial arrangements, Abyei and border demarcation, has contributed to a lack of progress in North-South relations and significant uncertainty in South Sudan since 9 July. North-South tensions have been particularly high in the light of the intensified conflicts in Southern Kordofan and Blue Nile States, with allegations by the Government of the Sudan that SPLM-North has received support from South Sudan. The Government of South Sudan has denied those allegations. Delays in the implementation of the 20 June agreement on Abyei have also contributed to tensions between the two countries.

15. A meeting between Presidents Al-Bashir and Kiir in Khartoum on 8 October resulted in positive public statements by both Presidents and a recommitment to working together to resolve these issues.

Foreign and diplomatic relations of the Government

16. The Government of South Sudan has joined or applied for membership in several international organizations. On 14 July 2011, it joined the United Nations as the 193rd Member; on 15 August it was officially admitted as the 54th member of the African Union. South Sudan has also applied for membership in the Nile Basin Initiative and has indicated its intention to join the Intergovernmental Authority on Development (IGAD). In addition, it has announced that it has applied for observer status in the East African Community, with the intention to join.

17. The Government of South Sudan is strengthening international trade links and foreign relations structures through diplomatic engagement in Juba and externally. In Juba, a number of resident ambassadors have presented their credentials to President Kiir, while 14 countries have formally established embassies in South Sudan. Meanwhile, the Ministry of Foreign Affairs and International Cooperation has indicated that it will open additional missions in a number of countries.

IV. Security developments

18. The reporting period witnessed important initiatives by the Government of South Sudan to neutralize internal security threats through the integration of militia groups into SPLA, alongside efforts aimed at political reconciliation. However, militia groups outside this process and intercommunal violence remain significant sources of insecurity, with large numbers of civilian casualties, especially in Jonglei State. While fighting in Southern Kordofan and Blue Nile States and lack of progress in Abyei have not led to violence in South Sudan, concerns remain that conflict could spill over the border with little warning.

Militia groups

19. Between July and August 2011, bilateral initiatives between the Government and three militia leaders resulted in the implementation of arrangements for their integration into SPLA. To date, approximately 1,000 persons from the militia formerly allied with Peter Gadet, 450 from the group led by the late Gatluak Gai and 207 allied with David Yau Yau have been relocated to SPLA barracks. In addition, an unknown number of Gabriel Tanginya's forces have been relocated to the Mapel area in preparation for their integration into SPLA. The Government has made significant progress with the efforts to integrate the militias, with only the Athor, Olonyi and Ogat militias remaining outside the integration process. UNMISS provided support to the Government for the integration of those militias, including screening, registration and the provision of transport.

20. Early in July, the Jonglei-based militia leader David Yau Yau accepted a Government of South Sudan offer of amnesty and began to integrate his forces. Those forces, 207 of whom were subsequently integrated into SPLA, were based outside Pibor town, in an area accessible only by helicopter. In an operation that concluded on 5 September, UNMISS provided logistical assistance to move the forces from Pibor to the SPLA base in Owiny Ki-Bul, Eastern Equatoria State. SPLA reported that the process of integrating this group was complete, although some remnants of Yau Yau's forces in Jonglei State may have turned to banditry.

21. The militia leader Gatluak Gai agreed to a ceasefire and integration plan with SPLA on 18 July 2011. While Gai himself was killed in an internal dispute five days later, his forces have largely continued to abide by the agreement. According to SPLA, approximately 450 of Gai's combatants, originally based in Koch County, Unity State, were moved and are currently stationed outside an SPLA facility in Mapel, Western Bahr al-Ghazal State. The number of the forces remaining outside this process is not known.

22. Early in August 2011, Peter Gadet agreed to a ceasefire and to the integration of his forces into SPLA. While some of his senior commanders refused to join the integration process, the majority of his forces, approximately 1,000 troops — some of them coming from Unity State, with others redeployed from Southern Kordofan State, first to Unity State and then to the SPLA facility in Mapel, Western Bahr al-Ghazal State — agreed to do so. Initial visual reports in Unity State indicated that there were a substantial number of children younger than 18 associated with Gadet's forces. Subsequently, late in October, the South Sudan Disarmament, Demobilization and Reintegration Commission, the United Nations Children's Fund (UNICEF) and UNMISS were able to remove 44 children for reunion with their

families. Nevertheless, full screening has not yet been possible and is expected to be carried out shortly.

23. The militia leader George Athor remains active and continues to be a significant destabilizing presence in Jonglei State. Recent reports indicate that Athor may have several hundred militiamen operating in the western portion of the State. On 27 September, Athor's forces reportedly looted food supplies stored in a World Food Programme warehouse in Jiech, Jonglei State.

24. Militia leaders Johnson Olonyi and Ayok Ogat remain active along the eastern border of Upper Nile State. Fighting in Manyo County from 18 to 20 August reportedly left 35 SPLA troops and 63 of Olonyi's troops dead. Since then, SPLA has reinforced its positions and the area has been relatively calm.

Intercommunal conflict

25. Serious intercommunal conflict continued in Jonglei State through the reporting period, with a significant impact on the civilian populations. On 18 August 2011, Murle fighters attacked a number of Lou Nuer towns in Jonglei State, including Pieri, Yuai, Motot and Pulchoul, in response to large-scale Lou Nuer attacks on Murle towns in April and June 2011 that left hundreds dead. UNMISS has been unable to confirm the precise number of casualties, but local reports have estimated that as many as 600 were killed and 700 wounded. These attacks have been beyond the scale and scope of the violence typically associated with traditional cattle raiding and, with ongoing reports of mobilization within the Lou Nuer communities, the possibility of future attacks remains a serious concern.

26. Following the attacks, President Kiir directed SPLA to conduct preventive deployments in Jonglei State, which UNMISS has encouraged. The Mission conducted daily air patrols and deployed a company-size deterrent military presence to the area. The Mission also intensified air reconnaissance operations and sent integrated assessment missions following the violence. The South Sudan Council of Churches, with direct support from UNMISS and local and national political leaders, took the lead in engaging directly with the communities through a series of visits aimed at de-escalation and, eventually, a reconciliation conference. A comprehensive reconciliation process between the two communities is now under way. This includes efforts for the future exchange of abducted children, supported by UNICEF and the United Nations Development Programme (UNDP). UNMISS also responded to the violence by facilitating these reconciliation efforts and expanding its presence and operations in Jonglei State.

27. On 10 September, cattle raids on the recently disarmed Nuer community in Mayendit County, Unity State, reportedly left 46 dead, 13 injured and 45 missing. Witnesses reported that, unlike in traditional raids, the attackers tried to maximize the number of casualties inflicted, including by targeting women and children. The local Nuer community claimed that the attackers were Dinka youth from Warrap State, an accusation that the Dinka leadership has denied.

Civilian disarmament

28. The Government of South Sudan launched civilian disarmament operations in Lakes, Unity and Warrap States early in August and is scheduled to extend them to Jonglei State in mid-October. Spearheaded by the Governor of each State, the

approach involves community-led, voluntary disarmament, with SPLA-led forcible disarmament to follow as needed. It was reported that, as at 7 October, a total of 3,200 weapons had been voluntarily handed over in Lakes State; in Warrap State, 2,500 weapons had been handed over. The voluntary phase of the campaign has proceeded without incident.

29. The current campaign appears to be moving more smoothly than previous campaigns, owing in part to greater engagement with traditional chiefs and communities. While less violent than forcible disarmament, previous campaigns lacked safeguards for the disarmed communities, as well as steps to prevent the recirculation of arms. UNMISS has been monitoring this process and has increased its military patrols in Rumich and Yirol, Lakes State, and Akop, Warrap State, where only one community near an intercommunal border has been disarmed. The Mission also assisted the South Sudan Bureau for Community Security and Small Arms Control in developing systems and infrastructure for the registration and safe storage of weapons.

Lord's Resistance Army

30. Four attacks by the Lord's Resistance Army (LRA) were reported in August in Raja County, Western Bahr al-Ghazal State, but could not be confirmed. Some unverified reports also suggested the movement of LRA in the direction of Darfur. Also in Raja County, three attacks were reported in September, including the looting of a police station in Deim Jallabi and two separate clashes with the Uganda People's Defence Forces. While the presence of LRA is not militarily significant, the effect of the raids on civilians has far-reaching implications for the livelihoods of affected communities. For this reason, under the UNMISS military concept of operations, planned deployments to LRA-affected areas have been doubled compared with the previous deployment of UNMIS.

Military deployment of the Mission

31. As at 22 September 2011, the strength of the UNMISS military component stood at 5,329, out of the 7,000 troops authorized. The force generation process is ongoing, and to date a total of 27 countries have been approached to encourage them to provide contingents for UNMISS. Existing forces have been deployed primarily in operations in response to the crisis in Jonglei State, but activities have also included a deployment to Pibor in support of the integration of Yau Yau's forces, the monitoring of Gadet's forces through their redeployment to Mapel, and deterrence operations in Western Equatoria and Upper Nile States.

32. Security developments since the inception of UNMISS have required that the military achieve and sustain over a protracted period a considerably swifter operational tempo than that seen in UNMIS, placing a significant strain on the force. The upcoming dry season is expected to impose even greater operational requirements as pastoralist migrations begin and dry weather conditions allow for the greater mobility of militia group forces, cattle raiders and other sources of insecurity.

Mission freedom of movement

33. On 8 August 2011, as requested by the Security Council in resolution 1996 (2011), UNMISS and the Government of South Sudan signed a status-of-forces agreement guaranteeing the Mission's freedom of movement throughout the

territory of South Sudan. Under the terms of the agreement, UNMISS has clearance throughout South Sudan and is not required to request additional security clearance from SPLA or Government actors. Out of courtesy, UNMISS has shared the monthly military patrol programme with SPLA and has notified SPLA of its operations. Since 9 July, UNMISS has reported six denials of the freedom of movement of personnel and assets, four of them by members of SPLA. The Mission will continue to work with all actors to ensure that restrictions on freedom of movement are resolved immediately and do not inhibit the implementation of its mandate.

Mission police

34. UNMISS has deployed 375 of the 900 authorized police advisers, and United Nations police are currently stationed in every State capital and in 22 counties. Police operations have focused on building the capacity of the South Sudan Police Service through training, co-location at the State and local levels, and policy advice. In conjunction with the Service, a memorandum of understanding between the Government and the Mission has been prepared that clearly defines areas of cooperation and mutual obligations, which will facilitate the deployment of advisers and strengthen training initiatives.

35. The police registration database jointly developed by the United Nations police, UNDP and the South Sudan Police Service now has more than 36,000 entries of personnel details regarding both police officers and prison officers from all States. It will enable the police to register, screen and manage their human resources.

Disarmament, demobilization and reintegration and security sector reform

36. The disarmament, demobilization and reintegration programme of UNMIS, which was established in accordance with the Comprehensive Peace Agreement, will be completed by the South Sudan Disarmament, Demobilization and Reintegration Commission, in cooperation with UNDP and other United Nations country team members, on 31 December 2011. A total of 12,525 South Sudanese combatants will have been demobilized and reintegrated under this process.

37. Disarmament, demobilization and reintegration is a core aspect of the UNMISS mandate, particularly in relation to the transformation of SPLA and the police and security institutions and the related need for progress in the areas of peace, security and human rights. The South Sudan disarmament, demobilization and reintegration policy has been prepared by the South Sudan Disarmament, Demobilization and Reintegration Commission, in close cooperation with UNMISS and UNDP. In line with South Sudanese plans for the restructuring of the security forces, the policy calls for the disarmament, demobilization and reintegration of 80,000 SPLA elements and 70,000 members of the South Sudan Police Service, Wildlife Service, Prison Service and Fire Brigade.

38. Since independence, there has been a strong public commitment on the part of the Government to the implementation of its disarmament, demobilization and reintegration programme. The process of disassociating ex-combatants from the security forces is expected to last one year, including a three-month reinsertion phase during which ex-combatants will be relocated to UNMISS-supported transitional facilities to receive orientation before returning to their resident States. Reintegration options will then be facilitated by the line ministries and supported by the United Nations.

39. The South Sudan national disarmament, demobilization and reintegration strategy for 2012-2017 is currently being finalized and foresees disarmament, demobilization and reintegration operations starting in April 2012, with an initial pilot caseload of 4,500 combatants from the South Sudan Armed Forces and other organized forces to be processed at three transitional centres. As of August 2011, UNMISS, UNDP and the South Sudan Disarmament, Demobilization and Reintegration Commission were in the process of co-locating their functions at Juba and at the State level to carry out a fully integrated approach to the implementation of the disarmament, demobilization and reintegration programme.

40. The Minister for National Security officially requested the support of UNMISS for the development of a national security strategy, a comprehensive review of the security sector, the structuring of the Ministry for National Security and the management of the National Security Council and its executive secretariat. UNMISS is seeking to deploy appropriate expertise in order to respond quickly to this request. On 22 September, the Mission provided the SPLA Head of Military Justice with 45,800 rules-of-engagement cards, to be distributed among SPLA commanders and troops.

Mine action

41. During the reporting period, the Mine Action Service within UNMISS cleared a total of 293,411 square metres of land in 12 communities; destroyed 10 anti-personnel mines, 12 anti-tank mines, 590 items of small arms ammunition and 2,465 items of unexploded ordnance; and opened 121 km of road. In July 2011, the United Nations Mine Action Coordination Centre in South Sudan responded to reports of re-mining by militia groups in Unity, Upper Nile and Jonglei States, through the deployment of a route survey and clearance team to Unity State that is now addressing threats on the Bentiu-Leer-Adok route. Additional assets will be deployed to those areas over the next few months.

42. The Coordination Centre also provided mine risk education to 6,304 individuals, including internally displaced persons, refugees and residents living in communities contaminated with landmines or explosive ordnance, and delivered landmine safety training to 28 UNMISS international personnel.

43. National mine action counterparts, including the South Sudan Demining Authority and the Ministry of Gender, Child and Social Welfare, continued to benefit from capacity development through participation in on-the-job training opportunities. Furthermore, the Government declared its intention to accede to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, thereby maintaining its obligations under the Convention, although it is expected to negotiate a new deadline for meeting those obligations.

V. Protection of civilians

44. The reporting period witnessed significant threats to the civilian population in some parts of South Sudan, particularly Jonglei State. The ongoing process for the integration of militia groups and tensions related to civilian disarmament campaigns continued to place civilian communities at risk. As described above in the present report, intercommunal violence in Jonglei State posed significant threats for

civilians, including women and children. In addition, armed conflict in Southern Kordofan and Blue Nile States in June and July, respectively, led to refugee flows from those areas. LRA also remained a protection threat, with two reported incidents during September 2011 in Western Bahr al-Ghazal State, along the Central African Republic border.

45. In response, and taking into account the Government's primary role in protecting civilians, UNMISS mobilized a multifaceted protection response that included monitoring and early-warning civilian assessments, air patrols and long-range ground patrols, mediation and peace initiatives and support for the deployment of State law enforcement institutions to affected areas. The Mission also responded to escalating tensions in Jonglei through prevention and political processes, including consultations with Government authorities and community leaders to deter violence. The United Nations country team provided support for these reconciliation processes as well as humanitarian assistance.

46. The Mission has taken significant steps to incorporate the protection of civilians into its efforts at both the strategic and operational levels. An operational coordination group, chaired by the Joint Operations Centre, meets daily to coordinate responses to civilian protection concerns. The UNMISS civilian protection operations in Jonglei State are evidence of this coordinated approach. Furthermore, an integrated working group on the protection of civilians meets regularly to discuss protection trends and is developing a civilian protection strategy that will be reflected in my next report to the Council.

47. The South Sudan protection cluster has remained operational throughout the Mission's transition and has expanded its presence in all 10 States, with a focus on pre-empting or mitigating the impact of conflict-related violence on civilian populations. More than 40 rapid civilian protection needs assessments and concerted responses have been conducted in hotspot areas across South Sudan. Interventions have included preventive advocacy, the evacuation of populations caught in conflicts from Southern Kordofan State and Abyei to South Sudan, the reunification of separated families, the establishment of gender-based violence referral mechanisms, individual support for the most vulnerable members of displaced populations, and the deployment of psychosocial counsellors.

Child protection

48. During the reporting period, there was considerable success in gaining access to militia group forces, including for the registration and release of 49 children from David Yau Yau's militia forces. Efforts are under way to register children linked to forces associated with Peter Gadet and the late Gatluak Gai. In addition, UNMISS has engaged with SPLA on the United Nations/SPLA plan of action for the release of all children associated with armed forces, with positive results. A South Sudan country-level task force on Monitoring and reporting on grave violations of children's rights (in accordance with Security Council resolutions 1612 (2005) and 1882 (2009)) is being established. UNMISS has also developed a new child protection training programme for SPLA judge advocates, from which 34 trainees have already graduated.

Sexual violence

49. The analysis of data gathered from the work of UNMIS during the previous year indicates that sporadic sexual violence in armed conflict has occurred in South Sudan and that if conflict increases, it will likely occur again. Documented perpetrators have included SPLA and militia groups (particularly soldiers in the forces of Peter Gadet), although the number of confirmed cases is very small. The United Nations country team and the gender-based violence sub-cluster of the South Sudan protection cluster have established referral and support mechanisms for survivors of sexual violence (whether conflict-related or not), as well as sensitization programmes for SPLA.

VI. Humanitarian situation, recovery, development and return

Humanitarian developments

50. As a consequence of the security environment and food insecurity, humanitarian conditions have deteriorated in the post-independence period. According to local authorities and assessment teams, between 9 July and 30 September 2011 more than 37,600 people were displaced as a result of insecurity, bringing to more than 325,000 the total number of people who have fled their homes during the year. In addition, thousands of people were affected by flash flooding in the Agok area between Unity State and Abyei in the first week of September.

51. In Jonglei, Warrap, Upper Nile, Unity and Western Bahr al-Ghazal States, food security has deteriorated to crisis levels, owing to the combined impacts of conflict, erratic rainfall and the high food and fuel prices caused by North-South border closures. Projections for 2012 following a rapid crop assessment conducted in August indicate that in 2012, the cereal deficit could reach more than 400,000 metric tons, double the estimated 2011 deficit. Health and nutrition partners report that the food security situation has already driven a rise in malnutrition rates. Results from pre-harvest surveys conducted in 17 counties revealed that 11 counties in five States have extremely high levels of global and acute malnutrition.

52. Humanitarian partners have continued to increase their efforts to respond to this situation. By September 2011, more than 70 humanitarian operations were under way, including a comprehensive relief operation in Warrap State targeting the persons displaced from Abyei in the wake of the May 2011 conflict, as well as operations following recent attacks in Jonglei and responses to the continued influx of refugees from Southern Kordofan and Blue Nile States to Unity and Upper Nile States. In addition, relief organizations have provided returnees in transit with short-term emergency assistance, together with reinsertion packages at their final destinations, in line with principles outlined in the Government's procedures on return and reintegration issued in December 2010.

53. Improving humanitarian access remains a top priority. Since 9 July 2011, humanitarian organizations in South Sudan have recorded 27 incidents in which SPLA or other State actors interfered with relief operations, looted supplies, harassed personnel or otherwise restricted the ability of humanitarian workers to reach communities. The Government has strongly condemned these incidents and has committed to working with partners to curb interference.

Recovery and development

54. Following independence, the Government launched its South Sudan Development Plan, prepared with support from the United Nations country team and other development partners. The Plan covers the period from 9 July 2011 to 2013 and serves as an interim poverty reduction strategy paper. It identifies key development objectives for the new country in four priority areas: (a) governance, (b) economic development, (c) social and human development, and (d) conflict prevention and security. The Plan will be used to determine budget allocations and will guide the funding decisions of the development partners. It also includes a medium-term capacity development strategy, prepared with technical support from UNDP, which is aimed at ensuring that the Government can effectively address the current capacity gaps in South Sudan.

55. Within the framework of the medium-term capacity development strategy, a number of capacity surge initiatives are already under way. Under the IGAD Regional Initiative for Capacity Enhancement, 45 civil servants have been deployed from Kenya to work in national and State structures, and another 155 are due to be deployed following the signature of the memorandum of understanding among South Sudan, Kenya, Uganda and Ethiopia on 3 October 2011. Discussions are under way to scale up the Initiative through the African Union. These initiatives are in addition to the more than 100 United Nations Volunteers already deployed in State institutions, including all 10 Governors' offices, to assist in the establishment of functional State institutions.

56. Stabilization programmes, funded through the Sudan Recovery Fund-South Sudan in a partnership between State Governments and the United Nations, amount to $85 million and are now being implemented in four of the most insecure, conflict-prone States of South Sudan. These programmes are based on priorities identified by the State Security Committee and are focused on the extension of State authority into high-risk areas, including through secure access roads, police and judicial infrastructure, and water points and boreholes where water is a source of conflict. In total, 54 new police stations and posts are being completed by the Sudan Recovery Fund-South Sudan and other United Nations-supported programmes, which will boost law enforcement coverage across the 10 States.

Return and reintegration

57. More than 342,000 South Sudanese have returned from the Sudan since October 2010, with the largest number of returnees concentrating in the border States of Unity, Northern Bahr al-Ghazal and Upper Nile. The pace of new arrivals has increased since July 2011, with an estimated 500 people per day entering South Sudan.

58. Upper Nile State remains the only fully open transit corridor for new arrivals, leading to population build-up in transit sites in Renk. Partners have in-transit and stranded groups with short-term emergency assistance in Renk and other areas, and a reinsertion package at their final destinations. Furthermore, the United Nations has continued to assist the Government of South Sudan in furnishing transportation from transit sites to final destination areas for 4,329 returnees, including through the creation of way stations along return routes providing water, sanitation, hygienic facilities, cooked food and protection. In addition, IOM assisted the South Sudan Relief and Rehabilitation Commission in setting up a tracking and monitoring

network to provide data on returnees and facilitate their reintegration. As a result, from 9 July until 4 October, 36,148 South Sudanese were tracked to their final destinations in South Sudan. At the national level, a return task force, chaired by the Government, coordinates the work of the line ministries in Juba, and return committees operate in each of the 10 States of South Sudan, under the leadership of the Commission. However, challenges remain, including the low availability of barges for onward transport, the need for stronger joint planning between both Governments and humanitarian partners, and the slow pace of the allocation of land to returnee communities.

59. According to the Ministry of Labour, Public Service and Human Resource Development, a total of 4,300 South Sudanese personnel from the Police Service, the Prisons Service and the Fire Brigade have returned to the South and are being screened. It appears that most of them will likely be absorbed into the uniformed forces of South Sudan. Likewise, according to the Ministry, a process is currently under way for the absorption of 17,000 civil servants returning to South Sudan.

VII. Rule of law and human rights

Rule of law

60. As a legacy of the civil war, South Sudan faces enormous challenges in the area of rule of law, including a lack of capacity in the judicial and prisons institutions, a limited Government presence outside the State capitals and a critical shortage of well-trained civil servants. Assisting the Government in building effective, well-accepted rule-of-law and security institutions is a major priority for UNMISS.

61. The 12 July rapid deployment of the new, Brindisi-based Justice and Corrections Standing Capacity supported UNMISS in engaging quickly with the Government on its mandate in justice- and security-related tasks. In August, the Mission provided the Government with an analysis of the newly established Ministry of Justice's three-year strategic framework and its legal aid strategy. In addition, the Ministry has issued an ambitious 100-day action plan, on the basis of which it will seek donor support. Mission consultations with the Government are ongoing with regard to possible arrangements for the provision of support in mandated areas by technical experts on judicial and security sector reform.

62. A pilot mapping of arbitrary and prolonged detention in South Sudan, focusing on Wau and Kuajok, was undertaken from 31 August to 10 September by a joint team of UNMISS judicial affairs officers and corrections advisers. This exercise will help to establish a methodology for future mapping with a view to informing the effort, planned by national authorities, to send mobile teams of judges and prosecutors to address arbitrary detention in those States where the caseload is highest.

63. During the reporting period, UNMISS provided technical advice for the renovation work nearing completion at the Bor, Juba, Malakal, Rumbek, Yambio and Wau prisons, and for the new prisons being constructed in Bentiu and Kuajok. UNMISS participation in the new Juba Remand Review Board contributed to the removal of juvenile remand prisoners and the identification of arbitrarily detained juveniles.

Human rights

64. The human rights challenges in South Sudan are enormous, while the institutional capacity of the Government to manage human rights issues is very limited. The strong human rights mandate of UNMISS includes monitoring, investigating and reporting on human rights issues, while also working to build the Government's capacity to address human rights concerns in an effective manner in conformity with international standards.

65. Since 9 July 2011, there have been 313 alleged cases of the mistreatment or prolonged illegal or arbitrary detention of individuals in South Sudan, including United Nations personnel (as discussed below). The Mission is working to document those reports. UNMISS also reported on 13 incidents in Juba, Malakal, Bentiu, Aweil and Kuajok concerning the restriction of access and freedom of movement by Government actors, including lengthy curfews, temporary detentions at checkpoints and illegal searches and seizures of goods belonging to civilians.

66. Immediately following the 20 August attack of the Murle on the Lou Nuer in Uror County, Jonglei State, the UNMISS Human Rights Unit participated in a rapid-response, fact-finding investigation operation throughout August and September.

67. During the reporting period, UNMISS participated in advocacy efforts in Lakes State that led to the signing of a standard operating procedure for response to and the prevention of gender-based violence by Government line ministries, justice sector departments, community leaders, United Nations agencies, and international and civil society organizations. UNMISS also provided support for the Government's ratification process relating to key international human rights treaties, and has engaged in monitoring and reporting on the harmonization of the national legislative framework with international human rights standards.

VIII. Cross-cutting issues in the Mission

Implementation of the review of civilian capacity in the aftermath of conflict

68. Within the framework of the review of civilian capacity in the aftermath of conflict, UNMISS has made progress on three fronts: (a) facilitating national ownership through the promotion of local procurement; (b) promoting civilian partnerships by allowing for the deployment of Member States' civilian capacities; and (c) leveraging synergies within the United Nations system to fill capacity gaps.

69. UNMISS has examined the scope for local procurement within South Sudan and has identified already developed local service providers upon which the Mission can draw. The Mission has also initiated discussions with the Department of Management on promoting local procurement by making the vendor registration committee more flexible so as not to exclude local suppliers.

70. Since March 2011, a pilot project providing UNMISS with capacity has been implemented. The Mission has received support from the German Federal Agency for Technical Relief, which has deployed engineers to manage the construction of living accommodations for United Nations staff members. The project will eventually include the implementation of a training component, whereby personnel of the Agency will carry out the project through the mentoring of South Sudanese ex-combatants.

Public information

71. During the reporting period, the cornerstone of the Public Information Section of UNMISS remained support for the Juba-based Radio Miraya, which contributed to media coverage of some of the major challenges facing a post-independent South Sudan, including the fight against corruption, the reduction of police violence and illegal taxation. UNMISS also facilitated numerous press briefings and trips to Jonglei and Western Equatoria States for national and international journalists in order to improve their understanding of the situation in flashpoint States.

Conduct and discipline

72. UNMISS convened a three-day retreat in July 2011 to draw lessons learned from UNMIS in the area of conduct and discipline, while seeking a resolution of and speeding up the review or investigation of a number of outstanding cases. The Mission initiated partnership-building activities to raise awareness among United Nations personnel and the local population with regard to United Nations standards of conduct, including the reactivation of the South Sudan task force on the prevention of sexual exploitation and abuse, comprising representatives of UNMISS, the United Nations country team and the Government.

Gender

73. In order to support, in a coherent and coordinated manner, women's full participation in decision-making, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and UNMISS are working, in line with my report on women's participation in peacebuilding (A/65/354-S/2010/466), to develop a common framework for action on women's empowerment and gender equality. At the national level, UN-Women has provided the Ministry of Gender, Child and Social Welfare with technical assistance, while UNMISS has provided technical and substantive support to the Ministry for the launching of the "Sixteen days of activism" to combat violence against women. At the State level, particularly in Jonglei, UNMISS has engaged with key actors to develop a joint workplan highlighting gender priorities. In addition, UN-Women and the World Bank, in collaboration with UNMISS, has supported the preparation by women's civil society organizations of a paper on priority gender issues in South Sudan, to be presented at upcoming international conferences in support of the South Sudan Development Plan.

HIV/AIDS

74. UNMISS conducted HIV/AIDS awareness activities through the training of 30 HIV/AIDS counsellors in Juba within SPLA, the South Sudan Police Service, the Prisons Service and the Wildlife Service. At the State level, the HIV/AIDS Unit saw the graduation of 32 HIV/AIDS change agents in Lakes State. In Western Bahr al-Ghazal State, 52 teachers received HIV/AIDS awareness training, while, in Jonglei, UNMISS supported the non-governmental organization the Community Development and Rehabilitation Society in organizing a sensitization programme for 3,000 community members. The Mission promoted HIV/AIDS awareness among 1,508 peacekeepers in nine States. In addition, 62 peacekeepers received HIV/AIDS counselling services.

Staff security

75. In August, UNMISS registered four incidents of South Sudan Police Service violations against United Nations staff members, involving wrongful arrest, mistreatment and detention, including the assault and arbitrary detention of the UNMISS Chief Human Rights Officer on 20 August by the Service in Juba. A Government inquiry into the latter incident led to an official apology, the suspension of the perpetrators and the adoption of additional corrective measures. On 16 and 20 September, a helicopter and its crew were detained and eventually released by SPLA troops, without harm. On 24 October, a member of the Service shot an UNMISS helicopter while it was landing in Namutina (200 km north-west of Yambio, Western Equatoria State). The helicopter was struck twice in the cockpit, without injury to the crew, and was able to return to its point of departure. UNMISS senior leadership immediately met with the Government of South Sudan Ministries of Cabinet Affairs and Foreign Affairs to express serious concern at the violation of the status-of-forces agreement and the risk posed to United Nations staff. The Government expressed regret at the incident, stating that it had been the result of miscommunication with State authorities, and committed to a full investigation of the matter. UNMISS has vigorously followed up on all of these incidents, including through the exercise of good offices at the highest level.

Financial aspects

76. The General Assembly, by its resolution 65/257 B, authorized the utilization of resources approved for UNMIS in entering into commitments for the period from 1 July to 31 December 2011 for UNMISS. A budget proposal for UNMISS for the period 2011/12 will be presented to the Assembly during the main part of its sixty-sixth session. The reimbursement of troop-contributing countries for troops has been made for the period until 31 August 2011, as well as the first instalment of the supplemental payment for troop-contributing countries, approved by the Assembly by its resolution 65/289.

IX. Observations and recommendations

77. The transition of South Sudan from decades of war to sustainable peace presents huge challenges. High expectations within and outside South Sudan regarding the transition to a stable, democratically governed country will not be met in the short term. It is therefore absolutely critical that the Government of South Sudan and its international partners set realistic priorities for addressing the country's immediate needs, while putting in place the longer-term processes that will allow the Southern Sudanese to benefit from stability, economic growth and development.

78. A key priority is the development of governance institutions based on the principles of political inclusiveness and transparency. I am encouraged by the first steps taken by the Government, including the formation of a more representative Cabinet and the commitment of the President to combat corruption. As the Government takes forward its electoral law and permanent constitutional processes, it must ensure that the views of all stakeholders and communities in South Sudan are meaningfully taken into account. The strength of governance institutions in South Sudan will be built on broad representation, accountability and transparency.

79. The security situation in South Sudan remains of deep concern, particularly in Jonglei and Upper Nile States, where conflict has had significant humanitarian consequences. The Government of South Sudan has primary responsibility for protecting civilians and addressing insecurity. Steps taken by SPLA to deploy to affected areas are a positive measure, as are efforts by traditional and church leaders to foster intercommunal reconciliation. However, it is also critical that the Government plan for the longer-term stability of these areas, take steps to address the root causes of conflicts, promote the equitable allocation of resources, and provide adequate personnel and resources to extend its authority to the most remote and conflict-affected areas of the country.

80. UNMISS has a supporting role with respect to both the immediate protection concerns and the efforts to build political, administrative and rule-of-law capacities, especially in conflict-prone areas. In this regard, the Mission has initiated and sustained prevention and deterrence operations in Jonglei State and has provided direct support for the reconciliation efforts of traditional and Government leaders. These efforts will increase as the Mission finalizes its deployment and expands its own presence in South Sudan.

81. Given the high levels of insecurity in many areas in South Sudan and the nascent capacities of the Government to extend State authority to remote areas, I would reiterate the recommendation, set out in my 17 May 2011 report on the Sudan (S/2011/314), that the Mission's troop strength be maintained at 7,000 for the time being.

82. The serious violations of human rights committed by the South Sudan Police Service and SPLA during the reporting period demonstrate the urgent need to transform and professionalize security and rule-of-law institutions, including through improvements to command and control structures. Steps taken by the Government towards the ratification of key human rights instruments are a positive sign that should now be followed by concrete actions to implement international human rights standards. UNMISS is committed to assisting the Government in this regard, including by monitoring, investigating and reporting on allegations of human rights violations.

83. Like UNMISS, the Government of South Sudan is in its start-up phase, having been appointed only in recent months. Consultations have therefore only just begun between the Mission and the Government regarding peacebuilding priorities and benchmarks for measuring progress towards the achievement of jointly agreed goals. It will likely require several more months of wide-ranging consultations with the Government to develop the peacebuilding plan and benchmarks requested by the Security Council in resolution 1996 (2011). I will provide an update on progress made in this regard in my next report to the Council.

84. While most of the threats posed to security and stability in South Sudan are internal, the lack of stabilization of its relations with the Sudan weighs heavily on the new Government, particularly amid the intensifying conflict in the border regions. The threat from the Sudan, whether perceived or real, will impinge upon the prioritization, spending and decision-making of the new Government of South Sudan, with potentially adverse implications for key priorities and delivery to its citizens, until these conflicts have been resolved. I call on both Governments to demonstrate the commitment and flexibility to agree on key post-independence issues and move towards a strong, mutually beneficial partnership going forward.

85. I would like to conclude by expressing my appreciation for the dedicated service of my Special Representative for South Sudan, Hilde Frafjord Johnson, as well as for all military, police and civilian personnel serving in UNMISS. In addition, I would like to thank the entire United Nations country team and its partners in South Sudan.